

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 5:18-cv-01057-MWF-MAA Date: February 1, 2021

Title: Jonathon Dewitt McDowell v. Warden W.L. Montgomery

Present: The Honorable MARIA A. AUDERO, United States Magistrate Judge

James Muñoz
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Petitioner:
N/A

Attorneys Present for Respondent:
N/A

Proceedings (In Chambers): Second Order to Show Cause re: Petitioner’s Failure to File Status Report

On July 8, 2020, the Court issued an order imposing a stay in light of the global COVID-19 pandemic, until Petitioner advises the Court that the California Department of Corrections and Rehabilitation (“CDCR”) has eased restrictions such that Petitioner is able to resume litigation of this case (“July 8 Order”). (July 8, 2020 Or., ECF No. 36.) In imposing the stay, the Court ordered Petitioner to file bi-monthly status reports regarding the status of the CDCR restrictions imposed due to COVID-19. (*Id.* at 2.) The first status report was due on September 8, 2020. (*Id.*)

On September 30, 2020, the Court issued an Order to Show Cause directing Petitioner either to file a status report or to explain his failure to do so by October 30, 2020 (“September 30 Order”). (Sept. 30, 2020 Or., ECF No. 39.) Petitioner did not file any response to this September 30 Order.

To date, Petitioner has not yet filed a status report. Out of consideration for Petitioner’s *pro se* status and concern that CDCR restrictions on access to the prison law library remain in effect given the ongoing COVID-19 pandemic, the Court will provide Petitioner an additional opportunity to file a status report. Petitioner is **ORDERED TO SHOW CAUSE** by no later than **March 3, 2021** why the Court should not dismiss this action without prejudice for failure to prosecute and failure to comply with Court orders. If Petitioner files a status report on or before that date, this Order to Show Cause will be discharged, and no additional action need be taken.

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Petitioner's failure to timely comply with this Order to Show Cause by March 3, 2021 will result in a recommendation that this action be dismissed without prejudice for failure to prosecute and failure to follow court orders. See C.D. Cal. L.R. 41-1.

It is so ordered.

Attachments:

July 8, 2020 Stay Order

September 30, 2020 Order to Show Cause